

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 06-42416

NATHANIEL D. FRYE and RITA N. FRYE,

Chapter 13

Debtors.

Judge Thomas J. Tucker

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**ORDER DENYING “DEBTOR’S [SIC] MOTION TO EXTEND STAY BEYOND  
30 DAYS PURSUANT TO 11 U.S.C. [§] 362(C)(3)(B)”**

This case is before the Court on “Debtor’s [sic] Motion To Extend Stay Beyond 30 Days Pursuant to 11 U.S.C. [§] 362(C)(3)(B),” filed on March 28, 2006 (Docket # 21). Debtors filed a voluntary petition for relief under Chapter 13 on March 2, 2006.

Under 11 U.S.C. § 362(c)(3)(B),<sup>1</sup> in order for the Court to extend the stay, a hearing on a motion to extend the automatic stay must be completed before the stay terminates under § 362(c)(3)(A), and, therefore, within 30 days of the filing of the case. Because of the statute’s 30-day hearing deadline, L.B.R. 4001-6(a) (E.D.M.) requires that a motion to extend the stay be filed and served within 7 days after the bankruptcy petition is filed, and that:

Immediately after filing the motion [to extend the stay], the movant shall obtain a hearing date from the judge’s courtroom deputy clerk, who will cause notice of the hearing to be served on parties in interest. Any party in interest may be heard at the hearing. Written objections are permitted but not required.

In this case, Debtors filed the motion well beyond the 7-day deadline in L.B.R. 4001-6(a), did

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<sup>1</sup> Citations to the Bankruptcy Code in this Order are to the Code as amended by the “Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.”

not serve the motion, and did not contact the judge's courtroom deputy clerk to obtain a hearing date, so no hearing on the motion was scheduled before the stay terminated on April 1, 2006. As it was obviously impossible under these circumstances to schedule and complete a hearing on Debtors' motion to extend the stay within the required 30-day period, the motion must be denied.

Accordingly,

IT IS ORDERED that "Debtor's [sic] Motion To Extend Stay Beyond 30 Days Pursuant to 11 U.S.C. [§] 363(C)(3)(B), filed on March 28, 2006 (Docket # 21), is DENIED.

**Entered: April 20, 2006**

/s/ Thomas J. Tucker

**Thomas J. Tucker**

**United States Bankruptcy Judge**